

An Overview of NAGPRA Implementation in the National Park Service, Intermountain Region

Presented to the U.S. Department of the Interior Native American Graves Protection and Repatriation Review Committee

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Good Morning and thank you Madam Chairwoman and members of the Review Committee for this opportunity to provide you with an overview of NAGPRA implementation in the Intermountain Region of the National Park Service. My name is Christine Landrum and I am pleased to be here as the Director of the Office of Indian Affairs and American Culture for the Intermountain Region of the National Park Service. Our office includes the NAGPRA, tribal liaison, and ethnography (or cultural anthropology) programs for the Intermountain Region (or “IMR”). IMR includes over 90 NPS units within the states of Arizona, Colorado, Montana, New Mexico, Oklahoma, Texas, Utah, and Wyoming.

The National Park Service (or “NPS”) is unique as a federal agency in that it both complies with and administers NAGPRA. The National NAGPRA program of the NPS is charged with administering NAGPRA compliance for **all** museums and federal agencies, while the Park NAGPRA program oversees NPS’ own compliance with NAGPRA through technical guidance, training, and funding. In addition, each of the seven NPS regions has at least one person designated to serve as a regional NAGPRA coordinator, providing compliance assistance to NPS units within their respective regions. For the IMR, the NAGPRA program is housed within the Office of Indian Affairs and American Culture. We help parks with every step of the NAGPRA process – from securing internal NPS funding to training, tribal consultation, evidence evaluation, notice publication, developing Plans of Actions and Comprehensive Agreements, project management, repatriations, and reinterments. The IMR NAGPRA program works closely with the IMR Museum Services and archeology programs to provide comprehensive technical assistance. The IMR Office of Indian Affairs and American Culture reports to the Intermountain Regional Director; a reflection of the importance the region places on the government-to-government relationships we share with American Indian tribes.

There is still a great deal of work to do and we look forward to continuing to collaborate with our tribal colleagues to achieve our common goals under NAGPRA – to repatriate human remains and cultural items as efficiently, transparently, and thoughtfully as possible in full compliance with the law. I would like to highlight some of the great work that IMR parks and tribes have accomplished together, and also identify some of the challenges we are working closely together to address.

Since 1990, IMR NPS units have published 49 Notices of Inventory Completion covering 3,392 individuals and 8,547 associated funerary objects. Of those, only 84 individuals and 1,591 funerary objects are awaiting repatriation by the tribes. IMR NPS units and the Office of Indian Affairs and American Culture are continuing to work proactively with the affiliated tribes toward repatriation in consideration of ceremonial schedules and other cultural considerations, as well as political and competing claims issues. The majority of the repatriated individuals and associated funerary objects included in previously published notices were

reburied in NPS units following repatriation, consistent with NPS Management policies and at the request of the tribes.

IMR NPS units have published 26 Notices of Intent to Repatriate summary items covering 371 unassociated funerary objects, all of which have been repatriated; 2,521 sacred objects, all but ten of which have been repatriated; and 22 objects of cultural patrimony/sacred objects, all of which have been repatriated. I want to thank Mary Carroll, Acting Program Manager of the Park NAGPRA program for providing these statistics.

Here are some other interesting NAGPRA figures for IMR:

- 46 of the 104 NPS units with NAGPRA Inventory items are in IMR (44%)
- 55 of IMR's 91 NPS units have NAGPRA Inventory and/or Summary items (60%)
- 400 of the 1,499 culturally unidentified NAGPRA human remains in NPS custody are in IMR (just under 1/3)

Several parks are working on Notices of Inventory Completion for an estimated 457 affiliatable remains – including those that were specifically identified in NPS' GAO audit response timeline. These IMR NPS units are working closely with the tribes toward the targeted publication dates and several draft notices are currently under review by the Park NAGPRA program.

In response to requests from consulting tribes to proactively and systematically address culturally unidentifiable Native American human remains, the IMR Office of Indian Affairs and American Culture secured internal NPS NAGPRA funding for all IMR NPS units with culturally unidentifiable inventories. Planning for this two-year project began immediately after the new CUI regulations went into effect and the project was initiated in FY12 through a series of tribal consultations, collection visits and park visits. It is scheduled for completion in FY13 with notice publications, repatriations, and reburials (as requested). The approach to this project is consistent with IMR's efforts to be proactive in addressing CUI remains prior to the finalization of the CUI regulations.

While IMR NPS units have worked closely with tribes to achieve the NAGPRA successes previously discussed, there are several outstanding challenges and opportunities that IMR and tribes are working closely to address including:

- Identifying Need – IMR NPS units requested ~\$3.6 million in NAGPRA project funds over the next five years, although the exact dollar amount of funded projects has not yet been determined; and
- Summary Compliance – IMR is committed to being proactive about consulting further with tribes about the potential Summary items identified through the 1993 NAGPRA Summaries; and
- Comprehensive Agreements – IMR is committed to honoring the requests from tribes to replicate the multi-agency, multi-tribe Comprehensive Agreement to address inadvertent discoveries in the San Luis Valley of Colorado elsewhere in the region; and
- Cultural Affiliation – IMR NPS units continue to work closely with tribes to exchange information in support of making cultural affiliation determinations through a transparent, collaborative process; and
- Contaminated Collections – the Office of Indian Affairs and American Culture partnered with the IMR Museum Services program and a tribal working group to develop a detailed protocol for the

testing of cultural items subject to NAGPRA for heavy metal pesticides. The IMR NAGPRA, IMR Museum Services, and the Park NAGPRA program pooled their resources to purchase an XRF that could be used for testing cultural items in NPS collections as requested by tribes, and that could also be made available to tribes and other institutions for testing cultural items. As a result of the protocol development process and tribal input, the NPS requires individual NPS units to discuss the issue of contaminated collections at the beginning of each NAGPRA consultation process; and

- **Lands for Reburial** – As highlighted by the previous Colorado Lands Repatriation and Reinterment Workgroup presentation, this issue has been identified as one of the most significant challenges to NAGPRA implementation in the Intermountain Region. Like many other agencies including the BLM and Forest Service, NPS units have the affirmative discretion to reinter remains that came from sites within their boundaries. In reference to the previous discussion about the decision by the Mesa Verde National Park Superintendent; the decision was made by Superintendent Cliff Spencer in collaboration with the Intermountain Regional Director John Wessels, and Cyd Martin (retired) in her capacity as both Director for the Office of Indian Affairs and American Culture for the Intermountain Region and also as the servicewide Park NAGPRA Program Manager – as such, the decision was raised to the Washington/servicewide level. Per the Park NAGPRA program update provided at the Reno, Nevada Review Committee Meeting - for the National Park Service, further resolution of this issue would likely require amending agency policy, so it may need to be addressed at the Departmental level. IMR is committed to collaborating with all of our partners – tribes, museums, state, and other Federal agencies to openly discuss this highly sensitive topic and to identify strategies to address this complex issue within the parameters of agency policy.

In closing, I would like to thank the many tribal representatives here today who serve as leaders both in the Intermountain Region and on a national level in the areas of NAGPRA, government-to-government relations, indigenous rights, cultural education, and resource protection. The National Park Service is honored to partner with so many tribal leaders on these important issues and we look forward to future collaborative opportunities.

Thank you and I would be happy to answer any questions.

Christine Landrum, Director
Office of Indian Affairs and American Culture
National Park Service, Intermountain Region
12795 West Alameda Parkway
Lakewood, Colorado 80220
Office: (303) 969-2836
Cell: (720) 878-1480
Fax: (303) 969-2063
E-mail: christine_landrum@nps.gov